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**OFFICIAL FACSIMILE TRANSMISSION**  
**TELECOMMUNICATION COVER PAGE**

**DATE:** August 19, 2003

**TO:** Commissioner for Patents  
Washington, D.C. 20231

**FACSIMILE NO.:** 1-703-872-9327

**ATTENTION:** Examiner DINESH N. MELWANI

**FAX RECEIVED**

**SERIAL NO.:** 09/943,533 ✓

**FILED:** August 30, 2001

**APPLICANT:** Kenneth Smith

**OUR REFERENCE NO.:** ALL.P.US0001

**FROM:** Phillip L. Kenner

**AUG 20 2003**


**GROUP 3600**

**TOTAL NUMBER OF PAGES INCLUDING COVER PAGE:** 12

**COMMENTS:**

Transmitted herewith are a Petition for Extension of Time Pursuant to 37 CFR § 1/136(a), Amendment B - Response to Final Rejection Under 37 C.F.R. § 1.116 and Form PTO-1083 in the above-identified application. In the event a fee is applicable for the filing of these documents beyond that authorized therein, the Commissioner is hereby authorized to charge any deficiencies or credit any excess respecting filing of this Amendment B to Account No. 18-0987.

Respectfully submitted,

  
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**OFFICIAL**

If this has not reached the appropriate office, please inform me via facsimile at 330-376-9646 of the correct number and I will resend.

Thank you.

-- If you do not receive all pages, please call me at the above number as soon as possible. --

FORM PTO - 1083

Case Docket No. ALL P US0001

In re application of KENNITH SMITH

Serial No. 09/943,533

Filed August 30, 2001

For RUBBER BAND RETAINER APPARATUS

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Sir:

Transmitted herewith is a Response to the Office Action in the above-identified application.

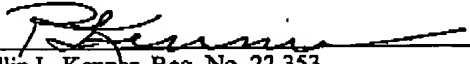
☐ Small entity status of this application is hereby asserted.☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.☒ No additional fee is required

The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col.3)	Small Entity		Other Than A Small Entity		
For:	Claims Remaining After Amendment		Highest No. Previously Paid for	Present Extra	Rate	Addit. Fee	Or	Rate	Addit. Fee
Total	19	Minus	20	= 0	x9	\$		x18	\$
Indep	3	Minus	3	= 0	x40	\$		x80	\$
0 First Presentation of Mult. Dep. Claims					135	\$		+270	\$
					Total			Total	\$

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.  
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

☐ Please charge my Deposit Account No.18-0987 in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is attached.☐ A check in the amount of \$\_\_\_\_\_ is attached.☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No.18-0987. A duplicate copy of this sheet is attached.☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims, in the event sufficient payment is not enclosed.☒ Any patent application processing fees under 37 CFR 1.17.Date: August 19, 2003

  
 Phillip L. Kenner, Reg. No. 22,353  
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 Attorneys for the Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of

KENNITH SMITH

Serial No. 09/943,533

Filed August 30, 2001

For RUBBER BAND  
RETAINER APPARATUS

Examiner: DINESH MELWANI

Group Art Unit 3677

Certificate of Facsimile

I hereby certify that this Amendment B - Response to Final Rejection Under 37 C.F.R. § 1.116 and Form PTO-1083 were transmitted via facsimile to 1-703-872-9327 to the attention of Examiner Dinesh N. Melwani on this 19<sup>th</sup> day of August, 2003.

Phillip L. Kenner, Reg. No. 22,353

Attorney Docket No. ALL.P.US0001

AMENDMENT B - RESPONSE TO FINAL REJECTION  
UNDER 37 C.F.R. § 1.116

Via facsimile to 1-703-872-9327

Attention: Examiner Dinesh N. Melwani

Sir:

In response to the Office Action dated March 5, 2003, the Applicant, through his attorney, responds as follows.

Amendments to the Claim are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.